

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM L. SINDE)	
)	
Plaintiff,)	
v.)	Case No. 08 C 2743
)	
ZION POLICE DEPARTMENT et. al.)	Judge Zagel
)	
Defendants.)	Magistrate Judge Keys

**DEFENDANT'S MOTION FOR ENLARGEMENT
OF TIME TO ANSWER OR OTHERWISE PLEAD**

Now comes Defendant Lake County State's Attorney's Office by MICHAEL WALLER, State's Attorney of Lake County, Illinois and by THOMAS ANGER, Assistant State's Attorney for Lake County, and pursuant to Fed. Rule of Civ. P. 6(b)(1)(A) moves this Honorable Court for an enlargement of time to file an answer or pleading responsive to the complaint and in support of their motion states as follows:

1. Plaintiff has filed a multi-count complaint against the Zion Police Department, the Lake County State's Attorney's Office and the 19th Judicial Circuit Court attempting to assert a myriad of claims under Section 1983.
2. Upon information and belief, the complaint and summons was received by the 19th Judicial Circuit Court Clerk's Office and the State's Attorney's Office on May 14, 2008. Said summons required an answer within 20 days of receipt, or June 3, 2008.
3. No waiver of service was included with Plaintiff's mailed complaint and Defendant State's Attorney's Office was deprived of the opportunity to properly waive service. Had Plaintiff included a waiver of service in this matter and given Defendant an opportunity to waive service, in accordance with Fed R. of Civ. P. 4(d)(3), an answer or

response would have been due to the Court on July 13, 2008.

4. That failure to provide an opportunity to waive service provides this Court with good cause to grant this extension of time pursuant to Fed. R. Civ. P. 6(b)(1).

5. The Lake County State's Attorney has recently assigned Assistant State's Attorney Thomas Anger to represent the Defendant Lake County State's Attorney's Office in this matter.

6. The State's Attorney's Office anticipates filing a Motion to Dismiss the charges against it in this matter.

7. Defendant requests an additional 60 days from the date of receipt of Plaintiff's complaint, up to and including July 13, 2008, to file their answer or motion responsive to the complaint.

WHEREFORE, Defendant State's Attorney's Office respectfully requests the Court grant its motion for an enlargement of time and grant any other further relief to which it may have availed itself.

Respectfully submitted,
Lake County State's Attorney's Office
Defendant

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By: s/ Thomas Anger
Assistant States Attorney

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